

## Clinical Legal Education in Nigeria: Envisioning the Future

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## **Clinical Legal Education in Nigeria: Envisioning the Future**

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## I INTRODUCTION

Clinical Legal Education (CLE) as an educational initiative is designed to allow law schools to meet emerging practice-based needs which the traditional legal education framework fails to address.<sup>2</sup> Although CLE only started in the early 1970s in Africa,<sup>3</sup> it has become widely implemented across law institutions in Africa, following European and American examples.<sup>4</sup> CLE in Africa started in South Africa;<sup>5</sup> where, prior to 1972 there were no formal CLE programs as South African law schools mainly focused on private law rather than public law.<sup>6</sup>

Another factor affecting the uptake of CLE was that law school courses were generally offered on a part-time basis, which implied that law students could be engaged in personal activities that prevented them from involvement in other important law school-related programs.<sup>7</sup> The discriminatory nature of the law<sup>8</sup> during the South African apartheid regime also impeded access to justice in poor communities.<sup>9</sup> In light of this developing need, the South African CLE program began informally at the University of Witwatersrand, Johannesburg, and formally at the University of Cape Town, in the early 1970s.<sup>10</sup> A 1973 Ford Foundation-sponsored event gave the impetus needed to begin the establishment of law clinics across other institutions in South Africa.<sup>11</sup>

Within the Nigerian context, CLE was officially launched in 2005 with four pilot clinics.<sup>12</sup> Today, many Nigerian law faculties and the Nigerian law school campuses now have law clinics in their respective institutions due to the advantages associated with their adoption in the contemporary era.<sup>13</sup>

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<sup>2</sup> Margaret Barry, 'Clinical Legal Education in the Law University: Goals and Challenges' (2007) 11, *International Journal of Legal Education* 27, 27-50. Edgar S. Cahn 'Clinical Legal Education from a Systems Perspective' (1980) (29), *Cleveland State Law Review* 451, 451-497.

<sup>3</sup> Clinical Legal Education began in Africa, with South Africa in the 1970s. University of Cape Town opened one of the earliest clinics in 1972. See: 'Clinical Legal Education A report on the concept of law clinics' (Webpage) <[https://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf)>.

<sup>4</sup> It has been reported that the CLE in the United States could be traced back to 1893, even though CLE became formalised in the 1960s. See: 'Clinical Legal Education A report on the concept of law clinics' (Webpage) <[https://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf)>.

<sup>5</sup> David McQuoid-Mason, Ernest Ojukwu and Wachira 'Clinical Legal Education in Africa legal Education and Community Service' Bloch Frank (eds) *The Global Movement: Educating Lawyers for Social Justice* (Oxford University, 2010).

<sup>6</sup> Peggy Maisel, Shaheda Mahomed and Meetali Jain, 'Clinical Legal Education's Contribution to Building Constitutionalism and Democracy in South Africa: Past, Present, and Future' (2016), 60 New York Law School Law Review 433, 435.

<sup>7</sup> Ibid.

<sup>8</sup> National Welfare Act 79 of 1965 (prohibiting organizations from receiving funding unless such organizations were registered with the Act).

<sup>9</sup> Peggy Maisel, Shaheda Mahomed and Meetali Jain, 'Clinical Legal Education's Contribution to Building Constitutionalism and Democracy in South Africa: Past, Present, and Future' (2016), 60 New York Law School Law Review 433, 435.

<sup>10</sup> 'UCT Law Clinic' *University of Capetown* (Webpage) <[www.lawclinic.uct.ac.za/about-us-53](http://www.lawclinic.uct.ac.za/about-us-53)>; Peggy Maisel, Shaheda Mahomed & Meetali Jain, 'Clinical Legal Education's Contribution to Building Constitutionalism and Democracy in South Africa: Past, Present, and Future', (2016) 60 New York Law School Law Review 433, 433.; Du Plessis, M A (Riette), 'Forty-five years of Clinical Legal Education in South Africa' (2019) 25(2) *Fundamina* 12, 17.

<sup>11</sup> David McQuoid-Mason, Earnest Ojukwu and George Wachira, 'Clinical Legal Education in Africa: Legal Education and Community' (2011) Frank Bloch (ed) *Service, in The Global Clinical Movement Oxford University Press* 23, 25.

<sup>12</sup> Oluyemisi Bamgbose 'Access to justice through clinical legal education: A way forward for good governance and development' (2015) 15(2) *African Human Rights Law Journal* 378, 380-381.

<sup>13</sup> Law clinics help to extend legal service to indigent citizens who would have been unable to access justice without the intervention of the law clinics; helps to develop in students, the culture of legal research, basic drafting and law

With Nigeria's exit from the military regime only five years earlier,<sup>14</sup> CLE was embraced by some law faculties because of its potential to increase democratic practices among the people,<sup>15</sup> foster access to justice<sup>16</sup>, and improve the quality of legal scholarships available to law students.<sup>17</sup>

Fifteen years after the launch of CLE in Nigeria, it is now essential to take stock, to ascertain if the program is still on course<sup>18</sup> and to consider what the future may hold. It is against this background that this article is structured in three segments: firstly, examining the Nigerian CLE journey to date; secondly, considering future developments; and lastly, concluding with recommendations.

## II THE JOURNEY TO DATE

Since its inception, the rapid implementation of CLE in Nigeria is arguably a success story.<sup>19</sup> This may be attributed to a combination of favourable socio-economic and legal factors.<sup>20</sup> Today, law clinics are being established across a number of law faculties in Nigeria and Nigerian law schools.<sup>21</sup> These clinics are run by supervisors who engage selected students at higher levels of their law program to serve as student clinicians. These clinicians, in turn, assist in ensuring the smooth running and management of the law clinics.<sup>22</sup> Typically, law clinics in Nigeria operate as live clinics.<sup>23</sup>

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office management skills while it also aids students understanding through the use of interactive teaching methodology. See Mokidi, S.K and Agbebaku, C.A. (2010) 'Legal Clinics and Professional Skills Development in Nigeria'. The paper was first delivered at the International Journal of Clinical Legal Education Conference in Newcastle upon Tyne, July 2010.

<sup>14</sup> Nigerian returned to democratic governance in the year 1999.

<sup>15</sup> This is perhaps why many of the law clinics in Nigeria have human rights components in the focal areas. It could be with the intention of expanding the frontiers of justice, considering the experience with the military regime that repressed democratic values and structures in Nigeria.

<sup>16</sup> Christopher Walsh, Bruce Lasky, Wendy Morrish and Neda Chaiyagit, 'Strengthening access to justice through clinical legal education (CLE)', (2012) 6(4) *Transforming Government: People, Process and Policy*, 380-383; Margaret Drew and Andrew Morriss, 'Clinical Legal Education and Access to Justice: Conflicts, interests, and evolution' (2013) *Clinical Legal Education and Access to Justice* 1,1.

<sup>17</sup> James Marson, Adam Wilson and Mark Van Hoorebeek, 'The Necessity of Clinical Legal Education in University Law Schools: A UK perspective' (2015) (7), *International Journal of Legal Education* 29, 31.

<sup>18</sup> Often, development agendas are assessed for a period of fifteen years. An example of this is the Millennium Development Goals (MDGs) which ran from the period 2000 to 2015. The Sustainable Development Goals are also targetting a period of 15 years.

<sup>19</sup> Olugbenga Oke-Samuel 'Clinical Legal Education in Nigeria', (2008) 17(1) *Griffith Law Review* 139, 139-150.

<sup>20</sup> Samuel Erugo 'Legal assistance by clinical law students: a Nigerian experience in increasing access to justice for the unrepresented' (2016) 3(2) *Asian Journal of Legal Education* 160, 160-173; Rofia Sarumi, 'Legal education in Nigeria and the potential role of University Law Clinics in facilitating access to justice and the realization of human rights in Nigeria' (2016) paper presented at *International Conference on Trade, Business, Economics and Law, Oxford, United Kingdom*. Retrieved on 16<sup>th</sup> of April, 2020 from <[https://www.researchgate.net/publication/315672537\\_Legal\\_Education\\_In\\_Nigeria\\_And\\_The\\_Potential\\_Role\\_Of\\_University\\_Law\\_Clinics\\_In\\_Facilitating\\_Access\\_To\\_Justice\\_And\\_The\\_Realisation\\_Of\\_Human\\_Rights\\_In\\_Nigeria](https://www.researchgate.net/publication/315672537_Legal_Education_In_Nigeria_And_The_Potential_Role_Of_University_Law_Clinics_In_Facilitating_Access_To_Justice_And_The_Realisation_Of_Human_Rights_In_Nigeria)>.

<sup>21</sup> Olanike Adelakun-Odewale, 'Role of Clinical Legal Education in Social Justice in Nigeria' (2018) 5(1) *Asian Journal of Clinical Legal Education* 88, 88-93.

<sup>22</sup> Ibijoke Patricia Byron, 'The Relationship Between Social Justice and Clinical Legal Education: A Case Study of The Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria' (2012) 20 *International Journal of Clinical Legal Education* 563, 565.

<sup>23</sup> Adelakun-Odewale, Ibid.

At present, most law clinics only cover one matter at a time. The implication is that these clinics have limited resources when dealing with multiple concurrent legal issues. The problem with this is that there may be many, varied legal requirements presented by persons in need of legal aid. At the moment, no clinics engage in litigation on behalf of their clients. Generally, law clinics in Nigeria are led by faculty members who volunteer to serve in this capacity.<sup>24</sup>

The achievements of CLE practice in Nigeria since its establishment include an expansion of service areas. For example, law clinics across different law faculties now provide services to indigent persons across other thematic areas, such as women's rights,<sup>25</sup> the incarcerated,<sup>26</sup> environmental law, freedom of information, alternative dispute resolution, children's rights, and access to justice<sup>27</sup>. Over time, Nigerian law clinics have developed different approaches and initiatives, such as client counselling,<sup>28</sup> street theatre,<sup>29</sup> and advocacy programs<sup>30</sup> based on topical legal issues.

CLE in Nigeria is now attracting international partnerships. Through the efforts of the Network of University Legal Aid institutions (NULAI), the first international collaboration with law clinics in Nigeria was formed between NULAI and the United States.<sup>31</sup> <sup>32</sup> The impact of this partnership could help deepen the understanding of clinicians on CLE matters, help to forge bonds and networks among persons of different nationalities and further serve as a template that could be adopted for future collaborations.

Nigerian law clinics have evolved annual training platforms for law clinics in Nigeria through NULAI. Referred to as the 'African Clinical Legal Education Colloquium', the colloquium provides ample opportunity for officials of various law clinics to network and share best practices.<sup>33</sup> The

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<sup>24</sup> The implication of having volunteers at law clinics is that sometimes, these faculty members may have conflicting duties and responsibilities that may take their attention away from clinical activities.

<sup>25</sup> R Wilson, *Clinical Legal Education in Africa in the global evolution of Clinical Legal Education: More than a method*, (Cambridge University Press, 2017).

<sup>26</sup> Oludayo Bamgbose, 'Legal assistance offered to inmates: the example of the Yola Clinic of the Nigerian Law School' in Oladipo Sholanke and Oludayo Bamgbose (eds), *Perspectives on Public and International Law: Essays in Honour of Prof. Alero E. Akeredolu* (St. Pauls Publishers, 2018).

<sup>27</sup> Earnest Ojukwu, Odinakaonye Lagis and M Yusuf, 'Compendium of Campus Based Law Clinics in Nigeria' (2019) *NULAI*.

<sup>28</sup> Earnest Okukwu, Samuel Erugo, and Charlse Adekoya 'Clinical Legal Education: Curriculum Lessons and Materials' (2013) *NULAI*.

<sup>29</sup> Rofia Sarumi, 'Legal education in Nigeria and the potential role of University Law Clinics in facilitating access to justice and the realization of human rights in Nigeria' (2019) paper presented at *International Conference on Trade, Business, Economics and Law, Oxford, United Kingdom*.

<sup>30</sup> Samuel Erugo, 'Legal Assistance by Clinical Law Students: A Nigerian Experience in Increasing Access to Justice for the Unrepresented' (2016) 3(2), *Asian Journal of Clinical Legal Education* 160, 160-173.

<sup>31</sup> 'US Partners in the Reform Kuje Project Visit Nigeria' NULAI (webpage), <[https://mailchi.mp/9c77647da158/reform-kuje-exchange-visit?fbclid=IwAR1lf752-kWJRh1BSVx5NRFB7-mRRJT9konc\\_cPyBIHRv1B2zBr9Vtvbyg](https://mailchi.mp/9c77647da158/reform-kuje-exchange-visit?fbclid=IwAR1lf752-kWJRh1BSVx5NRFB7-mRRJT9konc_cPyBIHRv1B2zBr9Vtvbyg)>.

<sup>32</sup> The Law Clinic Partnership for Kuje Prison (LCPK) funded through support from INL Bureau of United States Department of State the Government of Nigeria (GoN) was with the intention of ensuring a major reduction in the size of pre-trial detention population in Kuje Prison. The partnership consisted of Law Clinics from Baze University, Nike University and University of Abuja, all located within the Federal Capital Territory, Abuja. The consortium led by PartnersGlobal from the United States and Network of University Legal Aid Institutions (NULAI), the Rule of Law and Empowerment Initiative- Partners West Africa (PWAN), New-Rule LLC, University of Maryl and Carey School of Law and Georgetown University Law Centre (GULC).

<sup>33</sup> 'NULAI Africa Clinical Legal Education Colloquium', *University Legal Aids Institutions* (Web Page) <<https://nulai.org/nulai-africa-clinical-legal-education-colloquium>>.

colloquium also attracts presenters from other African countries and provides a platform to compare notes on international best practices.

Further, Nigerian law clinics, through the coordination of NULAI, have developed the only CLE-focused journal in Africa. Titled 'African Journal of Clinical Legal Education and Access to Justice', the journal is the only CLE-centred journal in Africa, providing a platform to share the African story with the rest of the world.<sup>34</sup> This Journal was established through the support from John D. and Catherine T. MacArthur Foundation in 2012, which is now in its 4<sup>th</sup> edition.

Despite the progress recorded so far in the advancement of CLE in Nigeria, there have been many challenges confronting CLE, which can be broadly categorised into three areas: funding, staffing, and integration with the curricula of law schools.

### **A Funding**

Funding appears to be a common challenge for law clinics globally.<sup>35</sup> Often, CLE is established through seed funding provided by foreign donors.<sup>36</sup> These funds generally have a limited lifespan, and at the expiration of the fund, most clinics become financially constrained. This is often because law faculties are unwilling to take over the funding responsibilities,<sup>37</sup> thereby making it difficult for clinics to fund their activities on an on-going basis.

Even where clinics are funded through substantial government funding, there are on-going concerns regarding the variances and duration of government funding.<sup>38</sup> For as long as clinics are constrained by access to funding, this could limit their capability to continue to actualise their core objectives of providing justice to the indigent and increasing the skills of law students who serve as clinicians in those clinics.

### **B Staffing**

Staffing is a challenge for CLE, particularly in smaller law clinics. It has been suggested that some clinicians do not themselves have the practical knowledge and skills needed to address the problems presented to the clinics by their clients.<sup>39</sup> Only a few law clinics have qualified faculty members that can assess and competently supervise student clinicians.<sup>40</sup> This means that, in some instances, the ratio of staff to students is inadequate.

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<sup>34</sup> 'African Journal of Clinical Legal Education and Access to Justice', University Legal Aids Institutions (Web Page) <<https://nulai.org/african-journal-of-clinical-legal-education-and-access-to-justice>>.

<sup>35</sup> Barbara Preložnjak and Juraj Brozović 'The Financial Challenges of Clinical Legal Education: an Example from a Zagreb Law Clinic Practice Report, Clinic, the University and Society' (2016) 24(2) *International Journal of Clinical Legal Education* 136, 141.; Afolasade Adewumi A and Oluyemisi Bamgbose 'Attitude of Students to Clinical Legal Education: A Case Study of Faculty of Law, University of Ibadan' (2016) 3 *Asian Journal Legal Education* 106, 116.

<sup>36</sup> For example, the MacArthur Foundation has been instrumental in the establishment of the majority of law clinics in Nigeria.

<sup>37</sup> Dubravka Aksamovic and Philip Genty 'An Examination of the Challenges, Successes and Setbacks for Clinical Legal Education in Eastern Europe' (2014) 20 *International Journal of Clinical Legal Education* 427.

<sup>38</sup> Gemma Smyth Samantha Hale and Neil Gold 'Clinical and Experiential Learning in Canadian Law Schools: Current Perspectives' (2018) 95(1) *Canadian Bar Review* 151, 173.

<sup>39</sup> Dubravka Aksamovic and Philip Genty, 'An Examination of the Challenges, Successes and Setbacks for Clinical Legal Education in Eastern Europe' (2014) 19 *International Journal of Clinical Legal Education* 427, 431-434.

<sup>40</sup> Ibid.

Furthermore, not all faculty members of law schools may be allowed to practise law.<sup>41</sup> In these circumstances, private lawyers are employed. Most lawyers in the private sector lack practical knowledge of clinical pedagogy and methodology, which may result in additional problems in assessing student clinicians.<sup>42</sup>

### **C Law School Curricula**

The challenge of achieving integration of CLE with the curricula of Nigerian law schools is also a significant impediment. Some Nigerian institutions have established law clinics in compliance with the accreditation requirements, but are yet to fully integrate their clinical programs with the ordinary legal skills required for disseminating the legal education of their respective schools.<sup>43</sup> Evans, writing in an Australian context, asserts that despite the gains already recorded in Australia, it is apparent that there is still much to do, particularly in integrating the curriculum into the practice of legal education.<sup>44</sup> In Nigeria these issues are magnified in view of staffing and funding constraints. Until these challenges have been addressed, CLE in Nigeria may be unable to achieve its intended result of facilitating access to justice.

## **III LOOKING TO THE FUTURE OF CLE IN NIGERIA**

While it may be challenging to ascertain what the future holds for CLE in Nigeria, one should consider the prevailing circumstances surrounding CLE. Having briefly considered the strengths and weaknesses of CLE in Nigeria; it is critical to look to the future and consider factors that could strengthen the Nigerian CLE program over the next few years.

### **A Multiple Clinics**

It is worth noting that, in Nigeria, the number of law clinics has increased over time. However, most of these clinics only operate in one area of the law and as noted above, generally deal with a single matter at any one time.<sup>45</sup> The implication is that the clinics are limited in the number of individuals that could access justice within the limited scope of these clinics. Occasionally, some clinics may handle two or more issues within a single clinic.<sup>46</sup> However, these matters are dealt with by the same set of persons, thereby not providing scope for division of labour or specialisation.

Ideally, there would be more clinics within law faculties with different clinicians that would specialise in the delivery of a variety of legal services to indigent persons. One of the best

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<sup>41</sup> In the Nigerian case of *Akinwunmi v. Dietespif* (1982) 3 NCLR 342, the court held that law teachers from public institutions could not represent client in court. Although there are now private institutions undertaking the study of law in Nigeria, this decision was arrived at before licences were granted to private institutions to offer the study of law. Perhaps this may be seen as the reason for the exemption of law teachers in private schools from the categories of persons who cannot practise law while still in teaching employment. See also, Bagoni A. B Aksamovic Dubravka and Genty Philip (2013) *ibid*, 432.

<sup>42</sup> *Ibid*.

<sup>43</sup> 'The Nation, Fifty Years of Legal Education in Nigeria: A Critique', (Web page) <<http://thenationonlineng.net/50-years-of-legal-education-in-nigeria-a-critique>>.

<sup>44</sup> Adrian E. 'Best Practices: Australian Clinical Legal Education' (2013) 47(3), *The Law Teacher* 421, 421-423.

<sup>45</sup> For example, the Women's Law Clinic, University of Ibadan is interested in the advancement of the rights indigent women and children. See Bamgbose O and Tafita F, 'Law Clinics and Advocacy Within the University Community: Risks and Benefits' (2017) 4(2) *Asian Journal of Legal Education* 127, 127-145.

<sup>46</sup> *Ibid*.



resources of international practices reflecting this trend is the Law Library Legal Clinic,<sup>47</sup> now gaining ground in the United States.

For example, Harvard has 21 clinics<sup>48</sup> where students may elect to participate in their clinical activities. The Minnesota County Library, for instance, offers legal advice to support persons during the appeal process. At Washington County Library, the law library section has adopted a telephone conversation model to ensure that the library can provide clinical support to clients in the era of Covid-19.<sup>49</sup> Multiple clinics allow students the opportunity to gain exposure to different areas of law and improve their skills. However, to achieve this, Nigerian law schools would need to overcome the challenges associated with CLE referred to above.

## **B Clinics Outside Law Institutions**

As noted, although incepted through the efforts of a Non-Governmental Organisation (NGO), law clinics in Nigeria are now solely owned and managed by the university law faculties and Nigerian law school campuses. At present, the management and operation of law clinics are undertaken by these law faculties. At present, non-university-based law clinics are rare.

It would be desirable to see the establishment of clinics outside Nigerian universities and law schools to provide opportunities to help meet the community's specific needs. A benefit of having non-school based clinics is that such clinics would attract clients who may be more comfortable attending off-campus based clinics or may be more accessible for clients in remote and regional areas.

Ultimately, off-campus clinics' efforts could multiply the impact of clinical activities and access to justice for the community. Organisations such as NGOs, educational institutions, libraries, and religious organisations may have the necessary resources to run their clinics and attend professional compliance.

## **C Inter-Clinical Activities**

To date, there have been limited inter-clinical activities in Nigeria. Although NULIA organises an annual event where individual clinics share experiences, there has been little on-going interaction among these clinics beyond this. It would be beneficial to develop more avenues for different clinics to interact, network and share experiences on specific areas of engagements, thereby increasing their collective impact and capabilities to provide access to justice to Nigerians.

## **D Status of the CLE Program**

As noted above, CLE was introduced to Nigeria through the efforts of NULAI. Unfortunately, the Benchmark Minimum Academic Standard (BMAS) of the National Universities Commission (NUC) which benchmarks the required training and curriculum for legal education in Nigeria has not yet integrated CLE as a compulsory course to be undertaken by students while still in school.

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<sup>47</sup> Oludayo Bamgbose, 'Advancing the frontiers of justice to the under-represented in Nigeria through public law library legal clinics: issues for consideration (2020), Vol. 41 No. 6/7 *Library Management* (start page), 607-616.

<sup>48</sup> Harvard (n.d) In-house clinics. Retrieved 25th of April 2020 from <<https://hls.harvard.edu/dept/clinical/clinics/inhouse-clinics/>>.

<sup>49</sup> See Washington Country Library website. Retrieved 5<sup>th</sup> March 2021 from <<https://www.washcolib.org/300/Continuing-Legal-Education>>.

Furthermore, although institutions may offer CLE among their list of courses, sometimes CLE is not actually taught within the university. For example, even though Ajayi Crowther University, Oyo, Nigeria, has included CLE in its curriculum as far back as 2014, the course has never been taught once. The experience at the University of Ibadan shows a different approach. Students who enrol in clinical activities are graded and their scores provided as continuous assessment (CA) scores in some regular law courses taken at the penultimate level. Meanwhile, the policy to grade students based on the clinical activities is based mainly on the lecturer's willingness to allow his/her CA scores to be graded in such a manner.

In the foreseeable future, it is desirable that CLE should be included as a four-credit unit compulsory course to be taken by students at a particular level, allowing for students to be graded appropriately through their projects and presentations to obtain academic credit.

## **E Use of technology**

The role of technology in the legal profession has increased significantly over time.<sup>50</sup> It has been observed that the 'digital age provides an opportunity to revitalise and modernise legal education and make it more individualised, relevant, human, and accessible'.<sup>51</sup> The reality is that technology has not yet been deployed in the operation of many clinics in Nigeria. As noted by Cantatore, 'it is reasonable to expect that properly applied legal technology could increase access to justice in rural, regional and remote communities'. Bailes has identified possible areas that legal technology could assist in promoting access to justice in rural, regional and remote (RRR) areas. These include:

- Organising clients according to needs and eligibility as well as referring them to the most appropriate level of service;
- Helping to enable clients with sufficient capabilities and access to technology to resolve their legal issues independently, and provide them with relevant legal education platforms and information;
- Providing RRR legal practitioners with access to legal practitioners in other arrears (including cities), training and pro bono help; and
- Using a 'multi-pronged strategy' to provide both face-to-face and 'technological access points' to contact clients.<sup>52</sup>

However, in reality, the resources required to provide technical support to law clinics in Nigeria are not readily available. Besides providing opportunities to enhance the effectiveness of clinical activities, students and faculty members who serve as clinicians and supervisors are also able to develop their skills and capacities in the use of technology for the optimal running of the clinics.<sup>53</sup>

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<sup>50</sup> Olubiye I, Olaniyan A and Odiaka N, 'The Role of Technology in the Advancement of Legal Education and Practice in Nigeria' (2015) paper presented at the *Nigerian Association of Law Teachers* (NALT) Conference held at Afe Babalola University, Nigeria.

<sup>51</sup> W Binford, 'Envisioning a Twenty-First Century Legal Education' (2013) 43 *UJL&Pik'y* 157.

<sup>52</sup> Morry Bailes, 'The Law and Legal Technology-Our Changing Work Practices' (Speech, 2017 Australian Young Lawyers' Conference, 20 October 2017) 11.

<sup>53</sup> Olubiye I, Olaniyan A and Odiaka N, 'The Role of Technology in the Advancement of Legal Education and Practice in Nigeria' (2015) paper presented at the *Nigerian Association of Law Teachers* (NALT) Conference held at Afe Babalola University, Nigeria.

It is in this that light that Akeredolu averred that ‘tech can allow our current ineffective system to serve more citizens who need legal advice and representation’.<sup>54</sup>

Technology can serve as a tool to educate and inform a significant number of clients on various aspects of the law, including, but not limited to, human rights and access to justice. Some of the technologies that could be adopted relatively soon include social media, office management programs, mobile applications, video conferencing, and artificial intelligence (AI).<sup>55</sup> Speaking on the potential of AI to the legal profession, it has been observed that ‘there’s no denying that some elements of lawyering are going to be heavily affected by the development of AI’.<sup>56</sup>

Therefore, it is expedient for law clinics to leverage its use in providing access to justice to citizens. Social media may be the easiest gateway to connect with and mobilise prospective clients across different law clinics due to comprehensive coverage and the relative affordability of publicity using social media. Currently, only a few law clinics have a social media presence, mainly through Facebook. Other technological developments which may be utilised are:

- Office management programs: Much of the activities of law clinics are managed in Nigeria by using manual records, which makes it laborious to properly manage and retrieve data. Deployment of technology for office management will make the management and storage of clinic records faster and more efficient.
- Mobile technologies: Law clinics may end up developing mobile application technologies for the management of customised information for users. They could also be a platform for the management of organisational correspondence and a central point for coordinating the daily routines in law clinics.
- Video conferencing technology: Law Clinics are likely to deploy video conferencing technology such as Zoom in the near future for more flexibility when training clinicians.<sup>57</sup> It could further provide an avenue to engage in the online interview of clients and other important stakeholders separated by distance.
- Use of Artificial Intelligence (AI): The possibility of using AI for the management of law clinics, particularly in attending to the needs of clients, may be beneficial in order to assist remote clients.<sup>58</sup> To ensure equal access to justice for everyone, members of the community in remote and rural regions should have the same level of access to and quality of legal services as people in urban areas.<sup>59</sup> Although AI is just being introduced into Africa, it could be argued that in due course, AI could be developed for practical use in law clinics to address access to justice issues. Once adopted, it could also increase the capacity of the law clinic to attend to many human-dependent activities and help ensure clients are provided with access beyond the limited time that clinicians have available to participate in

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<sup>54</sup> ‘Why Nigeria should replicate Rwanda high-tech enabled legal services’ *The Learned Friend* (Webpage) <https://thelearnedfriends.com/why-nigeria-should-replicate-rwandas-free-tech-enabled-legal-services-2/>.

<sup>55</sup> Francina Cantatore, ‘New Frontiers in Clinical Legal Education: Harnessing Technology to Prepare Students for Practice and Facilitate Access to Justice’ (2019) 5 *Australian Journal of Clinical Education*.

<sup>56</sup> Olubiye I, Olaniyan A and Odiaka N, ‘The Role of Technology in the Advancement of Legal Education and Practice in Nigeria’ (2015) paper presented at the *Nigerian Association of Law Teachers* (NALT) Conference held at Afe Babalola University, Nigeria.

<sup>57</sup> Supervisors could also, through the use of technology, remotely monitor and supervise the activities of the student clinicians without being personally present during the live session.

<sup>58</sup> Morry Bailes, ‘The Law and Legal Technology-Our Changing Work Practices’ (Speech, 2017 Australian Young Lawyers’ Conference, 20 October 2017) 11.

<sup>59</sup> Jane Baily, Jacquelyn Burkell and Graham Reynolds, ‘Access to Justice for All: Towards an “Expansive Vision” of Justice and Technology’ (2013) 31(2) *Windsor Yearbook of Access to Justice* 181, 186.

clinical matters, for example, through chatbots.<sup>60</sup> The use of AI may thus, in the long run, reduce the cost of running law clinics in terms of staffing costs.<sup>61</sup> However, it must be borne in mind that AI has its limitations. For example, in a country like Nigeria, with over 250 ethnic and linguistic groups, it might be challenging to provide programming instructions that would serve 250 languages. However, this language barrier may be overcome by utilising English, which is the official language. It could also incorporate *pidgin*<sup>62</sup> and perhaps the three other dominant languages spoken across the geo-political zones in Nigeria.<sup>63</sup>

It is hoped that the cost of deploying technology solutions is likely to reduce over time as more people become experts in these fields, and technology becomes more freely available and more widely used in Nigerian law schools. It may be expected that should this occur, successfully harnessing technology would also improve access to justice, particularly for the poorest people who find it difficult to access justice under the current legal dispensation.

## **F Acceptance of clinicians as legal practitioners**

There are currently significant impediments for persons seeking to access to justice due to a lack of funds.<sup>64</sup> It has been observed that that ‘the high level of poverty in Nigeria and the prohibitive costs of legal service is a real barrier to justice for many Nigerians. This means that the underprivileged population has no access to formal justice’.<sup>65</sup> As noted above, Legal Aid is overstretched and, to a large extent, without the necessary financial support. As a result, the majority of persons unable to access justice often suffer in silence.

Meanwhile, CLE remains the next most viable option in expanding the frontiers of justice. However, student clinicians who are not members of the Nigerian Bar are ineligible to represent clients in court.<sup>66</sup> Changing the present legal regime that currently prohibits anyone not admitted to the Nigerian Bar from providing legal advice would be essential in improving access to justice.

The Rules of Professional Conduct provide that:

“A lawyer shall not aid a non-lawyer in the unauthorised practice of the law; (b) permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any

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<sup>60</sup> See, for example, the ROSS Intelligence system: See ‘Make today the last day you dread legal research: Ross Intelligence Homepage, *Ross Intelligence* (Website) <https://rossintelligence.com/>; Francina Cantatore, ‘New Frontiers in Clinical Legal Education: Harnessing Technology to Prepare Students for Practice and Facilitate Access to Justice’ (2019) 5 *Australian Journal of Clinical Education* 10.

<sup>61</sup> This is because the overhead and general recurrent expenses such as staff salary and general logistics could be relatively reduced in the long run.

<sup>62</sup> Pidgin language is spoken across many parts of Nigeria. Spoken mainly by the highly educated and the semi-educated Nigerians.

<sup>63</sup> These include Hausa, Yoruba and Igbo languages. See: ‘Nigeria History Language and Culture’ *World Travel Guide* (Webpage) <[<sup>64</sup> Financial constraint has been singled out as one of the greatest challenges confronting the access to justice, particularly, in developing economies with high poverty rate. See: Eva Brems and Charles Adekoya ‘Human Rights Enforcement by People Living in Poverty: Access to Justice in Nigeria’ \(2010\) 54\(2\) \*Journal of African Law\* 258, 261.](https://www.worldtravelguide.net/guides/africa/nigeria/history-language-culture/#:~:text=The%20official%20language%20is%20English,also%20spoken%20in%20the%20country>.”</a></p></div><div data-bbox=)

<sup>65</sup> Halima Kutigi, Suleiman Ororonkwo and Rilwan Suleiman ‘Access to Justice for Persons with Disabilities in Nigeria: Issues, Challenges and Prospects’ (2017) 10(2) *ABU Journal of Private and Comparative Law* 19, 31.

<sup>66</sup> S.K Mokidi and C.A Agbebaku ‘Legal Clinics and Professional Skills Development in Nigeria’ (2015) 17 *International Journal of Clinical Legal Education* 19, 31.

person not qualified to practice or disqualified from practice; (c) share legal fees with a non-lawyer except as provided in rule 53.”<sup>67</sup>

“A lawyer shall not, in return for a fee, write or sign his name or permit his name to be written or signed on a document prepared by a non-lawyer as if prepared by him.”<sup>68</sup> and

“A lawyer shall not permit his professional services to be controlled or exploited by any lay agency, personal or corporate, which intervenes between him and the client. Charitable societies or another institution rendering aid to the indigent are not deemed to be such intermediaries.”<sup>69</sup>

These provisions would need to be amended and exceptions created to allow student clinicians to represent clients. It could be reviewed to enable supervisors (in this case, lawyers) to appoint their students to serve as student-attorneys in some issues.

The possibility of having student clinicians, particularly those in their final level, represent clients under the directives of their supervisors is desirable in achieving access to justice. An argument that may be raised against such a step is concern about diligent representation, considering the fact that most student clinicians are usually individuals not yet certified to practice law. The second argument may be that representation of clients might be outside the scope of many law clinics.<sup>70</sup>

As noted, many individuals cannot afford the cost of legal representation; yet, the legal needs of these disadvantaged persons cannot be met by institutions responsible for the provision of free legal services to indigent individuals.<sup>71</sup> Having law students provide assistance under the guidance of their supervisor can greatly assist unrepresented litigants before the courts. Thus, in general, the involvement of law students would be a favourable option for deprived litigants, despite the perceived drawbacks mentioned above.

With the introduction of “front-loading” the court processes<sup>72</sup> in the Nigerian court system, the bulk of matters brought before the courts are determined mainly by the law library’s efforts. Frontloading is a new concept arising out of civil litigation in Nigeria.<sup>73</sup> The plaintiff and defendant are obliged to reveal their case before trial, requiring them to exchange pleadings before appearing in court.<sup>74</sup> In other words, where law students have been properly guided by their

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<sup>67</sup> Rule 3(1) Rules of Professional Conduct.

<sup>68</sup> Rule 3(2) Rules of Professional Conduct.

<sup>69</sup> Rule 4 Rules of Professional Conduct.

<sup>70</sup> Most law clinics by their code of conduct do not actually engage in litigation in court but try to encourage out of court settlements where possible.

<sup>71</sup> These institutions range from organisations established under the law for purpose of providing free legal services to individuals to NGOs with the mandate of providing access to justice to the citizenry. Examples of organisations established under the law to provide such services include- Legal Aid Council, Public Complaint Commission and National Human Rights Commission. While the Legal Aid Council is established primarily to cater for the needs of indigent persons whose monthly income do not exceed national minimum wage (approximately \$60), both Public Complaint Commission and National Human Rights Commission provide free legal services to persons and organisations notwithstanding. There are other NGOs with the focus on provision of free legal services to people. Some of these organisations include- Socio-Economic Rights and Accountability Project (SERAP) and Legal Defence and Assistance Project (LEDAP).

<sup>72</sup> Front loading refers to documents that are required to be filed before in the courts in a civil matter. They include: Statement of claim; Written Statements on Oath of the witnesses; List of Witness; Copies of every document to be relied on at trial and any other information that may be required by the rule of a particular court. The essence of this is to avoid springing surprises in Courts.

<sup>73</sup> High Court of Lagos State (Civil Procedure) Rules, 2004.

<sup>74</sup> Order 3 Rule 2 of the High Court (Civil Procedure) Rules of Anambra State 2006.

supervisors in preparing required court processes and documents, the students could play an essential role in assisting indigent clients.

Allowing access to the courts by student clinicians could also stimulate the interest of these would-be lawyers to devote more time to pro bono practice. It may also serve as a motivating factor for senior lawyers to put in more pro bono hours.

Clients who would qualify for such assistance should be persons who broadly qualify under the Legal Aid Act.<sup>75</sup> The type of action assisted should suit the thematic areas of operation of each law clinic. Nigeria may strive to model its system on success stories in the United States, where some clinicians are given a permit to appear in court on behalf of their clients.<sup>76</sup>

However, to give effect to this radical suggestion, it would be essential to amend the respective provisions of the extant laws that strictly and completely prohibit non-lawyers from the practice of law at present.

### **G Diversified funding for CLE**

As previously discussed, funding for CLE in Nigeria has been primarily obtained from international funders. Omoragbon reported that the first Nigerian Clinical Legal Education Colloquium,<sup>77</sup> where the decision to introduce CLE in Nigeria was mooted, was funded by the Open Society for Justice Initiative.<sup>78</sup> The MacArthur Foundation supported the activities of NULAI between 2008 and 2011 with a grant of \$630,000,<sup>79</sup> whilst, at the University of Ibadan, the establishment of CLE was supported by donor funds from the United States. Funding has also been provided for the purpose of funding the African Journal of Clinical Legal Education and Access to Justice through the generous support of the McArthur Foundation.<sup>80</sup>

Meanwhile, there has not been comparable funding provided by local organisations. Unfortunately, the future of CLE in Africa looks bleak if law schools continue to depend on foreign funding for their activities.<sup>81</sup> The future of CLE that is envisaged here requires that local support will need to be provided for CLE activities and that Nigeria's donor organisations will realign their priorities to increase access to justice. While the bigger NGOs are expected to play more prominent roles in this regard, middle-sized and low budget funding agencies and organisations could also provide support. Meanwhile, community-based associations, faith-based organisations and the alumni of law schools can be instrumental in sustaining the future of CLE in Nigeria

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<sup>75</sup> The Act describes those eligible for aids to be persons whose income is not more than the minimum wage. The current minimum wage in Nigeria is about N50 a month. See Section 9, Legal Aid Act, Laws of the Federation, Federal Republic of Nigeria.

<sup>76</sup> Section 105 and 106, Legal Professional Act, Province of Alberta.

<sup>77</sup> Nigerian Clinical Legal Education Colloquium held at the Federal Capital Territory from 12<sup>th</sup> to 14<sup>th</sup> February 2004.

<sup>78</sup> Kevwe Omoragbon, 'Interface of Law and Medicine in Clinical Legal Education: Success story of the Women's Law Clinic in improving the health of women and ensuring women's access to Justice in Nigeria' (2009) 11 *International Journal of Clinical Legal Education* 49, 50.

<sup>79</sup> 'Network of University Legal Aid Institutions' *McArthur Foundation* (Webpage) <<https://www.macfound.org/grantees/589/>>.

<sup>80</sup> 'An Overview of Clinical Legal Education and Access to Justice' *NAMATI* (Webpage) <<https://namati.org/resources/african-journal-of-clinical-legal-education-and-access-to-justice>>.

<sup>81</sup> The implication of continued dependence on foreign donors is that with increase in the number of clinics and reliance on the same source of funding, it may eventuate that the extent of the funding might reduce in proportion or cease completely.

without having to solely depend on foreign donors who may decide at any time to change their focus.

## **H Pro bono activities as a requirement for admission to the Bar**

At the moment, to be admitted to the Nigerian bar does not require pro bono experience from aspirants. There are mixed examples in other countries. Cantatore noted that some States in the United States now prescribe compulsory pro bono engagements for law graduates before being admitted to their respective State Bars.<sup>82</sup> The State of New York became the first State<sup>83</sup> to define pro bono experience as a condition for admission to the New York Bar in 2012.<sup>84</sup> Applicants to New York from 1<sup>st</sup> of January 2015 are now required by law<sup>85</sup> to have given a minimum of 50 hours of pro bono service. While a few other States in the United States are adopting the 50 hours criterion for admission to the Bar, in California, the Bill intending to provide for the 50 hours of pro bono services was vetoed by Governor Jerry Brown<sup>86</sup>, who opined that it 'would be unfair to burden students with the requirements set forth in this Bill.'<sup>87</sup> This is in contrast to the situation in Australia and many other countries where aspirants to the Bar are not required to have engaged in pro bono activity as a condition for admission to the Bar.<sup>88</sup> Within the Nigerian context, adopting such equivalent provision could be of tremendous benefit to Nigerians, as many of whom cannot afford the services of legal practitioners due to their financial status. For the reasons set out in the discussion above, it would be beneficial if, in years to come, the Council of Legal Education, the body tasked with providing legal education and prescription of requirements for admission to the Nigerian Bar,<sup>89</sup> would consider including hours of voluntary pro bono services as a condition precedent for admission to the Nigerian Bar.

## **IV CONCLUSION AND RECOMMENDATIONS**

This paper has attempted to chronicle the current state of CLE in Nigeria while also noting the strengths and weaknesses of the current regime. Efforts have been made to identify possible areas for consideration in the development of CLE in Nigeria into the future. CLE is dynamic and continually evolving and, as such, flexible enough to provide room for necessary change. In the last 15 years, CLE has contributed in no small measure to the provision of access to justice in Nigeria. In achieving the desired and projected future goals described, the following recommendations are made:

1. It is essential that law clinics are enabled to employ more staff members to manage and support their activities. Sole reliance on volunteer law school academics will not be sufficient in heralding the envisioned clinical education of the future. In identifying suitable leaders, it is also recommended that graduates of CLE are utilised to administer the

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<sup>82</sup> Francina Cantatore, 'Pro bono in law schools: tracking the effect of pro bono service in an Australian University Law Clinic' (2019) 17(1) *International Journal of Clinical Legal Education* 101, 112.

<sup>83</sup> NY Court of Appeals Rules for Attorney Admission § 520.16(a).

<sup>84</sup> 'An Overview of Pro Bono Requirements' *PSJD* (Webpage)  
<[https://www.psjd.org/An\\_Overview\\_of\\_Pro\\_Bono\\_Requirments](https://www.psjd.org/An_Overview_of_Pro_Bono_Requirments)>.

<sup>85</sup> NY Court of Appeals Rules for Attorney Admission § 520.16(a).

<sup>86</sup> 'California Governor Cites High Law School Costs in Vetoing Mandatory Pro bono Bill' *ABA JOURNAL* (Webpage)  
<[https://www.abajournal.com/news/article/california\\_governor\\_cites\\_high\\_law\\_school\\_costs\\_in\\_vetoing\\_mandatory\\_pro\\_bo](https://www.abajournal.com/news/article/california_governor_cites_high_law_school_costs_in_vetoing_mandatory_pro_bo)>.

<sup>87</sup> *Ibid*.

<sup>88</sup> *Ibid*, 113.

<sup>89</sup> Section 1(2) of the Legal Education Consolidation Act.

activities of law clinics in Nigeria. This will help entrench and sustain the culture and tradition of CLE, which they learnt through their supervisors at law school.

2. There is a need for increased funding of CLE across all clinics in Nigeria. While university and law school authorities must be willing to keep writing award-winning proposals that will attract foreign grants, it is also crucial that law clinics should build local and public interests in their activities to attract funding for their activities. Sources of local funding could include grants from local donor agencies and businesses, support from the university, law schools and their alumni.
3. Access to guaranteed government and industry funding, particularly from several sources, would position the clinics to plan ahead for the future.
4. Student clinicians should be allowed to serve litigants in courts where such clinicians are presented to court under the guidance of a faculty member who has already been admitted to the Nigeria Bar. Therefore, it is essential that the provisions of the Rules of Professional Conduct (RPC) 2007 and other extant laws that prohibit non-lawyers from engaging in professional legal services be amended to allow student clinicians appear in court on behalf of their clients with the necessary supervision.
5. In addition, it is pivotal to attend to the issue of regulation of standards in law schools. One of the reviews required in this regard could include the proposal that all law schools and universities offering the study of law in Nigeria should be required to provide CLE. The relevant regulatory bodies<sup>90</sup> should also consider changing existing CLE courses from their current position of being elective courses to compulsory course requirements.
6. Networking and collaborations with relevant stakeholders will be essential in actualising sustainable CLE in the future. In this regard, the identified stakeholders will include funders, the Bar, the judiciary, the Ministry of Justice, NGOs, alumni, and the legal education regulatory bodies.

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<sup>90</sup> There are two regulatory bodies regulating legal education in Nigeria, namely the Council of Legal Education and the Nigerian Universities Commission.